

Superfund Alternative Sites Guidance -

Highlights and Impacts

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Three Areas of Discussion

- **Highlights of Guidance**
- **Impacts**
- **What can we do?**



HIGHLIGHTS OF GUIDANCE



Background

- **Goal: PRP-lead cleanups without listing the site on the NPL**
- **Result:**
 - **Generally, earlier Settlements**
 - **Timely PRP-Lead Cleanups**

Criteria for a Superfund Alternative Site

- **Meets NCP criteria for listing (i.e., HRS score = 28.5 is documented)**
- **Requires long-term response (i.e., a Remedial Action)**
- **PRP-lead encouraged at all phases; must be a PRP-lead at RA**

Types of Sites

Superfund Alternative (SA) sites may include:

- Sites proposed for the NPL**
- Certain Federal Facilities currently owned by the Federal Government**
- Privately-owned FUDS**
- Mixed-ownership sites**

What a Superfund Alternative Site is *not*:

- **Not a substitute for state lead actions**
- **Not a state VCP program**

EPA, State, & Tribal Relationships

- **Region, States, and Tribes consult on Alternative Site designation**
- **States and Tribes afforded the same opportunities for involvement as at NPL sites, including:**
 - **Remedy Selection**
 - **Notice of Proposed Enforcement Actions**



Response Selection

- **Will follow the same process as at NPL sites**
- **NCP requirements should be met**
- **Communities should be involved**
- **Natural Resource Trustees should be consulted**
- **EPA oversight in place**

Enforcement Approach

- **Settlements should be based on AOC/CD models**
- **Regions should ensure EPA and interested stakeholders are placed in equivalent posture**
 - **Negotiate four specially-tailored enforcement provisions**
 - **Obtain prior written approval for omission/modification of provisions**
 - **Proceed with listing if negotiations fail**

Enforcement Provisions for SA Sites Settlements

- **Technical Assistance for Community (RI/FS, RD/RA)**
- **Natural Resources Damage Stipulation (RD/RA)**
- **Agreement not to challenge listing after partial cleanup (RD/RA)**
- **Financial Assurance (RD/RA)**

Impacts

- **No ability to access trust Fund dollars for RA**
- **PRPs should be fully viable, cooperative, and willing to do RA work**
- **States/Tribes, PRPs, and EPA should consult early on about SAS approach**
- **Members of EPA's site team should consult early on about responsibilities at an SA site**

What can we do?

- **States and Tribes**
- **EPA**
- **Site Assessment and RPMs**

What States and Tribes can do:

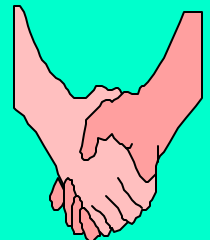
- **Think proactively about sites that could be considered SA sites**
- **Communicate early with PRPs and EPA about SA candidates**
- **Continue, or consider an Early PRP Search Contract with EPA**

What EPA can do:

- **Think proactively about sites that could be considered SA sites**
- **Communicate early with PRPs and EPA about SA site candidates**
- **Conduct an early PRP search**
- **Support the SA site concepts as an enforcement first tool**

What SAMs and RPMs can do:

- **Support the SA site concept as an enforcement first tool**
- **Be an early link between the PRPs, States, Tribes, and EPA about SA site candidates**
- **Start thinking about this approach as a possible alternative during Site Assessment**



Conclusion - The SA Sites Guidance

- **Is another tool in the “enforcement first” toolbox**
- **Can result in timely PRP-lead cleanups, and may be less adversarial**
- **Results in sites being cleaned up to the same standard as at NPL sites**
- **Benefits communities, States, Tribes, PRPs, and EPA**

For more information

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